

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CINDY IDOM

PLAINTIFF

VS.

CIVIL ACTION NO: 5:14-cv-38(DCB)(MTP)

NATCHEZ-ADAMS SCHOOL DISTRICT, et al.

DEFENDANTS

ORDER

This cause is before the Court on the plaintiff's motion for front pay, attorney fees and costs, prejudgment interest, and post-judgment interest (docket entry 99), as well as the plaintiff's bill of costs (docket entry 98). The Court is in the process of fashioning a Final Judgment pursuant to the jury's verdict and the relevant law as briefed by the parties.

In doing so, the Court has determined that section 11-46-15 of the Mississippi Code could have some bearing on the fashioning of relief. That statute provides, in part:

No judgment against a governmental entity or its employee for any act or omission for which immunity is waived under this chapter shall include an award for exemplary or punitive damages or for interest prior to judgment, or an award of attorney's fees unless attorney's fees are specifically authorized by law.

Miss. Code Ann. § 11-46-15(2)(emphasis added). The Court is concerned that prejudgment interest on the jury's award of damages on some of the plaintiff's claims may be improper. See Univ. of Mississippi Med. Ctr. v. Pounders, 970 So.2d 141, 148 (Miss. 2007)(award of prejudgment interest by Hinds County Circuit Court reversed and rendered by Mississippi Supreme Court).

The Court is also concerned that an award of attorney fees in connection with some of the plaintiff's claims may be improper. See Mississippi Dept. of Mental Health, 936 So.2d 917, 930 (Section 11-46-15(2) specifically excludes awards of attorney fees).

The parties are requested by the Court to address these issues. Both plaintiff and defendants shall be given seven (7) days from the date of entry of this Order to do so.

Accordingly,

IT IS HEREBY ORDERED that the parties file supplemental briefs addressing the issues raised herein within seven (7) days from the date of entry of this Order.

SO ORDERED, this the 6th day of January, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE